

Unraveling Legal Antinomies: Key Insights from the 2024 Simultaneous Regional Head Election

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Abstract

In 2024, Indonesia held simultaneous regional head elections on the same day across the country, in contrast to the traditional patterns of regional head elections held in succession. Simultaneous regional head elections were held to increase stability and efficiency. However, there are several drawbacks, such as creating a vacancy in regional head positions that necessitates the appointment of an acting head and even forcing some permanent regional heads to step down before their terms are up. This study examines the contradictions in the 2024 simultaneous regional head election policies using the antinomy perspective. The study reveals two fields of legal antinomies under the policy of simultaneous local elections: norms and principles. This conclusion comes from normative secondary data analysis utilizing statutory and conceptual approaches. The legal antinomy on norms arises from a contradiction within the Regional Head Election Law. Article 201 Paragraph (8) orders simultaneous local elections for government stability. On the other hand, Paragraph (9) allows the appointment of acting heads of regional government, which has the potential to cause administrative, political, and social instability. In this context, a paradox emerges between the intended goal of stability and the potential for instability resulting from the policy. The legal antinomy on principles appears in the conflict between budget efficiency (expediency principle) and legal certainty. The goal of saving costs clashes with the principle of legal certainty because the fixed term of office for elected regional heads is set by law. This study helps better understand the challenges of moving from conventional to simultaneous local elections.

Keywords: legal antinomy in norms, legal antinomy in principles, simultaneous regional head elections.

A. Introduction

Nowadays, elections are regarded as a primary benchmark for democratic practices, as experts argue that fair elections can enhance citizens' satisfaction with the system.¹ Individuals can vote according to their political preferences and support

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¹ André Blais, Alexandre Morin-Chassé, and Shane P. Singh, "Election Outcomes, Legislative Representation, and Satisfaction with Democracy," *Party Politics* 23, no. 2 (2017): 85–95, DOI: 10.1177/1354068815583200.

their chosen candidates through victory. In this context, elections catalyze realizing the representative function of democracy.² Therefore, direct elections (one person, one vote) are more widely accepted and favored over indirect ones. Dahl states that democratic practices, such as elections and political parties, hold greater legitimacy than other forms of governance.³ Such legitimacy ensures everyone can express ideas and receive equal legal treatment.

In Indonesia, the path toward democracy has become inextricably linked to elections. The rise of Indonesian democracy began with constitutional amendments allowing direct general elections. However, democracy had previously been suppressed under the Old Order regime and carried over into the New Order regime.⁴ This transition resulted in the exercise of power in an oppressive and highly centralized manner.

Over the past three decades, most of the developing world has undertaken reform to decentralize the state and strengthen the responsiveness and effectiveness of local governance. Local elections have virtually always been an essential part of the process.⁵ Over time, elections for regional heads of government in Indonesia began to take place alongside those for the president and members of the legislature. Elections for regional heads are held following the mandate of the constitution and statutory to democratically elect governors at the provincial level as well as regents/mayors at the district and city levels. Most parties perceive this as evidence of the localization of democracy.⁶

In this context, democracy development at the local level is part of the agendas pursued by many countries worldwide, focusing on improving the quality of the local electoral system and process.⁷ The same is true with the regional head elections system due to the various flaws in the evaluation results, including many frauds⁸, vote buying⁹, money politics¹⁰, and strong patronage relationships between

² Anika Gauja, *Political Parties and Elections: Legislating for Representative Democracy*, 2nd Edition (London: Routledge, 2016), 5, <https://www.taylorfrancis.com/books/mono/10.4324/9781315601205/political-parties-elections-anika-gauja>, DOI: 10.4324/9781315601205.

³ Robert Dahl, *On Democracy: With an Introduction and Two Chapters by Ian Shapiro*, ed. Ian Shapiro, Veritas Paperback (United States of America: Yale University Press, 2020), 55, <https://yalebooks.yale.edu/book/9780300254051/on-democracy/>.

⁴ Donald L. Horowitz, *Constitutional Change and Democracy in Indonesia*, Paperback (Cambridge University Press, 2014), 1, <https://www.cambridge.org/core/books/constitutional-change-and-democracy-in-indonesia/>, DOI: 10.1017/CBO9781139225724.

⁵ Ed Connerley, Kent Eaton, and Paul Smoke, *Making Decentralization Work: Democracy, Development, and Security*, First Edit (London: Lynne Rienner Publisher, 2010), 54, DOI: 10.1515/9781626373822.

⁶ Elliot Bulmer, *Local Democracy, Local Economy: The Journal of the Local Economy Policy Unit*, Second Edit, vol. 12 (Stromsorg: International IDEA, 2017), 7, DOI: 10.1080/02690949808726413.

⁷ Hester M. van de Bovenkamp and Hans Vollaard, "Strengthening the Local Representative System: The Importance of Electoral and Non-Electoral Representation," *Local Government Studies* 45, no. 2 (2019): 196, DOI: 10.1080/03003930.2018.1548351.

⁸ Diego Fossati, "A Tale of Three Cities: Electoral Accountability in Indonesian Local Politics," *Journal of Contemporary Asia* 48, no. 1 (2018): 23, DOI: 10.1080/00472336.2017.1376345.

⁹ Burhanuddin Muhtadi, *Vote Buying in Indonesia: The Mechanics of Electoral Bribery*, *Vote Buying in Indonesia*, First Edit (Jakarta: Palgrave Macmillan, 2019), 54, DOI: 10.1007/978-981-13-6779-3.

¹⁰ Firman Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case," *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (2021): 227, DOI: 10.15294/ipsr.v6i2.31438.

candidates and voters.¹¹ These issues make regional head elections expensive and counterproductive to the development objectives.

Along with the advancement of democracy and the national election system, legal politics shifted to the simultaneous local elections model, which saves costs compared to elections held on different days. By having regional head elections simultaneously, the state is expected to save funds and minimize the adverse effects of money circulation, such as fraud and money politics. However, the outcomes of post-implementation evaluations for previous simultaneous regional head elections varied. Specific publications stated that the objectives of efficiency or savings were not achieved,¹² while others claimed it was pretty successful in saving election budgets in several regions.¹³

An indicator that will facilitate these elections to be more efficient is when the election for governors, regents, and mayors coincides in a province or throughout Indonesia.¹⁴ Only in this manner can budget efficiency be achieved, as each region will pay the election administrator's salary and logistics only once. However, there will be several regional heads whose terms of office will be reduced, which will prompt the politicians to be more susceptible to resistance and polemic. Conversely, the government is convinced about holding simultaneous regional head elections across the country in November 2024. This is explicitly stated in Article 201, paragraph 8 of Law Number 10 of 2016 (Regional Head Election Law). Consequently, election organizers should hold simultaneous gubernatorial elections in 33 provinces minus the Special Region of Yogyakarta and regent/mayor elections in 514 regencies/cities across Indonesia on November 24, 2024.

A legal consequence of the 2024 simultaneous regional head elections is that the terms of several politicians elected in 2020 will be shortened. In practice, regional heads elected in 2020 will serve for approximately 3.5 years or less, depending on the time of inauguration. In Lampung province, for example, seven regional heads were elected in 2021, putting the term of office under threat of being reduced by two years.

The reduction in term of office for many regional heads due to the simultaneous regional head elections in 2024 is perceived unfavorably. Regional heads who should be able to serve for five years should be forced to step down and be replaced by acting regional heads for the remaining period. This case, for example, occurred in Makassar City, South Sulawesi Province. The Mayor and Deputy Mayor of Makassar, Moh. Ramdhan Pomanto and Fatmawati Rusdi are among the heads of regional government in South Sulawesi whose terms of office were shortened due to the

¹¹ Laurens Bakker, "Electoral Dynamics in Indonesia: Money Politics, Patronage, and Clientelism at the Grassroots, by Edward Aspinall and Mada Sukmajati (Eds)," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 177, no. 1 (2021): 128, DOI: 10.1163/22134379-17701002.

¹² Pangi Syarwi Chaniago, "Evaluasi Pilkada Pelaksanaan Pilkada Serentak Tahun 2015," *Politik Indonesia: Indonesian Political Science Review* 1, no. 2 (2016): 196, DOI: 10.15294/jpi.v1i2.6585.

¹³ Rahmat Muhajir Nugroho and Anom Wahyu Asmorojati, "Simultaneous Local Election in Indonesia: Is It Really More Effective and Efficient?," *Jurnal Media Hukum* 26, no. 2 (2019): 213, DOI: 10.18196/jmh.20190135.

¹⁴ Chaniago, "Evaluasi Pilkada," 198.

implementation of the 2024 Simultaneous Head of Regional Government Elections. Regional heads elected from the 2020 regional head elections should still serve as mayor and deputy mayor until 2025. However, the Local Election Law, notably Article 201, Paragraphs (7) and (8), limits the term of office of the regional head elected in the 2020 Simultaneous Head of Regional Government Elections to only serve until December 31, 2024. Thus, there is a 1-year duration that is shortened from the five-year term of office as stipulated in Law Number 23 of 2014 on Regional government.

The Decree of Constitutional Court Number 27/PUU-XXII/2024 has amended its previous ruling by extending the term of office for regional heads and deputy regional heads elected in 2020. Originally set to end in December 2024, their terms will now conclude upon the inauguration of the new regional heads elected in the 2024 simultaneous regional elections. The exact schedule for the inauguration of the head of regional government has been regulated in Presidential Regulation Number 80 of 2024 on Amendments to Presidential Regulation Number 16 of 2016 on Procedures for the Inauguration of Governors and Deputy Governors, Regents, and Deputy Regents, and Mayors and Deputy Mayors. In the Regulation, the inauguration of provincial-level regional heads will be carried out simultaneously on February 7, 2025, while the head of regional government at the city and district levels will be carried out on February 10, 2025. However, there will still be a reduction in the term of office of regional heads who begin their term in 2020 and 2021.

The five-year rule is ideal for developing the regional government through measurable policy programs. However, a shorter term of office significantly impacts the development performance initiated by the regional head. This is because the program, which was initially intended to be implemented by the head of regional government in five years, had to be discontinued because the regional head's term of office ended prematurely. The leadership is then replaced by a new acting head of regional government so that it would have an impact on the sustainability and continuity of the policy.

A study on regional governments in Nigeria shows that the instability of the term of office of elected regional heads, including those caused by vacancies and the appointment of replacement officials (caretakers), has led to minimal accountability, high personnel costs, poor public services, weak political development and leadership, a lack of continuity, and poverty.¹⁵ In other words, the tenure of elected authorities must be stable for a democratic government to function. Constitutional governments worldwide require elected leaders to serve a fixed term in office to foster political stability, consistency, and continuity.¹⁶

The 2024 simultaneous local elections also impact the vacancy of regional heads whose terms expire during the year. In practice, hundreds of regions in Indonesia

¹⁵ Ugorji H.I., Ugwunneke J., and Nkwocha E.E., "The Implications of Political Tenure Instability of Elected Local Government Officials on Grassroots Development of Southeastern Nigeria," *African Journal of Law, Political Research and Administration* 5, no. 1 (2022): 84, DOI: 10.52589/ajlpra-auty1n02.

¹⁶ Miftah Toha, *Birokrasi Politik & Pemilihan Umum Di Indonesia*, (Jakarta: Prenada Media, 2014), 3-4.

should be replaced with officials appointed by the government rather than the results of democratic elections in 2022 and 2023. The issues raised show that the legal policy of simultaneous national and regional head elections is incoherent. However, there is a desire to create an efficient and effective electoral system, which must be accomplished despite the shortening of the term of office for regional heads and the creation of vacancies in several regions. These contradictory issues are intriguing to investigate from the standpoint of legal antinomy. In legal theory, antinomy refers to a paradox, inconsistency, or contradiction within the logic of legal substance—namely, a conflict between two or more legal norms or principles applied to a specific context and period.¹⁷

Scholars have frequently applied antinomy theory to studying legal and political phenomena. For example, Mills explored the contradiction between the public and private sectors in the Foundations of International Investment Law sector.¹⁸ The control of community participation rights, which are handled inconsistently by laws and regulations in the environmental sector, is also examined from this perspective.¹⁹ Mochtar further discusses antinomy theory in the context of Indonesian legislation.²⁰ Furthermore, Ramadani et al. examined the COVID-19 pandemic's regional head elections policy and discovered a legal antinomy between the realization of political obligations and the right to health.²¹

Based on reviewing previous publications and searching for numerous additional works on comparable subjects. Several prior studies have identified significant issues surrounding the 2024 simultaneous head of regional government elections and the appointment of acting regional heads. The results of the previous research reflect comparable findings and arguments, indicating that the appointment of the acting head of regional government for Indonesia's 2024 simultaneous elections has produced various legal and procedural issues. According to Juanda and Juanda, while the actions taken by the government are in line with Article 201 of the Local Election Law, they potentially violate constitutional notions such as the rule of law, democracy, and local autonomy.²² Rahmazani also revealed that the lack of precise standards guiding the nomination process has caused concerns about accountability

¹⁷ Luka Burazin, "Antinomies between Implicit Legal Principles: A Solution to the Total-Partial Antinomy." *Courts, Interpretation, and The Rule Of Law*, in *Courts, Interpretation, and The Rule Of Law*, ed. Miodrag A. Jovanović and Kenneth Einar Himma (Hague: Eleven International Publishing, 2014), 219-167, <https://ssrn.com/abstract=2391860>.

¹⁸ Alex Mills, "Antinomies of Public and Private at the Foundations of International Investment Law and Arbitration," *Journal of International Economic Law* 14, no. 2 (2011): 469, DOI: 10.1093/jiel/jgr020.

¹⁹ Febriansyah Ramadhan and Ilham Dwi Rafiqi, "Antinomy of Community Participation Rights in the Law on the Environmental Sector," *Jurnal Daulat Hukum* 4, no. 3 (2021): 171, DOI: 10.30659/jdh.v4i3.17212.

²⁰ Zainal Arifin Mochtar, "Antinomi Dalam Peraturan Perundang-Undangan Di Indonesia," *Hasanuddin Law Review* 1, no. 3 (2015): 316, DOI: 10.20956/halrev.v1n3.112.

²¹ Rizki Ramadani and Farah Syah Rezah, "Regional Head Election During COVID-19 Pandemic: The Antinomy in the Government Policies," *Yuridika* 36, no. 1 (2021): 213, DOI: 10.20473/ydk.v36i1.23528.

²² Juanda Juanda and Ogandhafiz Juanda, "Pengangkatan Penjabat Kepala Daerah Menghadapi Pilkada Serentak 2024 Dalam Perspektif Hukum Tata Negara," *Jurnal Keamanan Nasional* 8, no. 1 (2022): 192, DOI: 10.31599/jkn.v8i1.534.

and transparency.²³ Even an appointment of active military and police members as acting leaders is regarded to be illegal under many regulations, including those governing the armed forces and civil service.²⁴ Overall, Riastri pointed out that the 2024 simultaneous local election policy significantly impacted the Local Elections in 2017, 2018, and 2020. The initial impact of the 2017 and 2018 Local Elections involves the civil apparatus as Interim head of regional government during the transition to the 2024 Simultaneous Local Elections. The second impact, notably for the 2020 Local Elections, reduces the regional head's term, which was initially intended to serve until 2026.²⁵

Some research also indicates that simultaneous local elections were implemented to reduce high political costs and improve efficiency, including in Indonesia.²⁶ For instance, the proposed "One Nation, One Election" system in India is estimated to save over ₹45 billion annually.²⁷ However, local elections have always been associated with various transactional politics. Indarti et al. argue that the high costs of contestation in local elections are attributed to oligarchic control of political parties and regulatory loopholes that favor candidates with significant financial resources.²⁸

Based on several existing studies, the legal antinomy perspective has not been adequately utilized as a viable analytical tool to address the issues due to the simultaneous regional head election policy. Consequently, this problem presents a significant gap that has not been covered and provides an opportunity to analyze two key issues. This research is a doctrinal legal study using normative-conceptual and case approaches. Primary legal materials are collected by inventorying the laws and regulations related to the problems being studied, combined with a literature study of relevant literature and previous research results. The analysis is then presented using descriptive analytical techniques. The study questions include: (1) What kind of antinomy can originate from contradictory legal phenomena? and (2) What form of legal antinomy arises due to the 2024 national simultaneous head of regional government election policy? Based on these purposes, the study objective is not to directly solve the problems raised by simultaneous regional head election

²³ Rahmazani, "The Problems of Appointment Acting Officer of Regional Head in the Transition Period Before the Election of 2024," *Jurnal Konstitusi* 20, no. 2 (2023): 196, DOI: 10.31078/jk2022.

²⁴ Muhammad Fajar Sadiq and Amalia Diamantina, "Appointment of Members of the Indonesian National Army as Acting Regional Heads in the Face of Simultaneous Regional Elections in 2024," *International Journal of Social Science and Human Research* 7, no. 05 (2024): 3510, DOI: 10.47191/ijsshr/v7-i05-125.

²⁵ Riastri Haryani, "The Implementation of Simultaneous Local Elections: An Overview of Constitutional Law and Its Impact on Democracy in Indonesia," *SiGn Jurnal Hukum* 5, no. 1 (2023): 102, DOI: 10.37276/sjh.v5i1.262.

²⁶ Ilham Dwi Rafiqi Sirajuddin, Febriansyah Ramadhan, "Urgensi Pemisahan Penyelenggaraan Pemilihan Umum Serentak Nasional Dan Lokal," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 233, DOI: 10.24090/volksgeist.v4i2.5232.

²⁷ Arti Bhatnagar, "Issue of 'One Nation, One Election' in Indian Perspective," *International Journal For Multidisciplinary Research* 6, no. 1 (2024): 1–5, DOI: 10.36948/ijfmr.2024.v06i01.13626.

²⁸ Sitti Aminah et al., "The High Political Costs in Local Head Election (Case Study in Indonesia)," *European Journal of Molecular and Clinical Medicine* 7, no. 11 (2020): 653, <https://www.ejmcm.com/archives/volume-7/issue-11/6329>.

laws but to point out the legal antinomies these policies breach to establish a foundation upon which recommendations can be facilitated.

B. Legal Antinomy and the Simultaneous Regional Head Election Policy

1. The Legal Antinomies on Norms and Principles: An Overview

A legal norm, either in the form of a regulation, decree, or decision, frequently contains contradictions or paradoxes that affect the policy's interpretation, intent, or potential legal implications. This phenomenon is known as the legal antinomy in the general theory of law.²⁹ As the word, which joins the Greek *anti* (opposed to) and *nomos* (law) suggests, antinomy refers to the incompatibility of what appear to be two well-founded positions.³⁰ By definition, antinomy represented a circumstance that contradicted itself (a debate between elements) but could not be divided because both depended on each other. The concept of Immanuel Kant in the age-old struggle between reason and nature served as the epistemological foundation for the antinomy theory. Kant applied this logic to his greatest work, *Critique of Pure Reason*, which analyzes the fundamental contradictions.³¹ This contradiction significantly impacted the manner of legal reasoning, which constantly pursued and maintained an equilibrium point in every situation.

Several studies on legal antinomy show that there are two fields based on its nature: norms and principles. Pinet states that the legal antinomy can be recognized from conflicting norms or values of law.³² In the first form, antinomy comes from a legal norm implemented in a factual situation where the provision or application contradicted other regulations. Contradictions arise in this situation due to differences between one rule and another within the same legal sector. For instance, Febriyanti et al. examined the juridical-normative nature of the legal policy on using foreign workers in Government Regulation 34 of 2021.³³ Several provisions in government regulations were also considered to ease the path for foreign workers to enter the country, contradicting several labor law regulations that limited the use of foreign workers to safeguard the rights of domestic employees. In this instance, a contradiction existed between legal rules that preserved local employees'

²⁹ Joao Christofolo, *Solving Antinomies Between Peremptory Norms in Public International Law*, Schulthess Éditions Romandes, First Edition, (Geneve: Schulthess Éditions Romandes, 2016), Chap. 1, 7-8, https://toc.library.ethz.ch/objects/pdf03/e01_978-3-7255-8599-1_01.pdf.

³⁰ Karsten Harries, *The Antinomy of Being*, First Edit (New Haven, USA: De Gruyter, 2019), 1, DOI: 10.1515/9783110629323.

³¹ Silvia De Bianchi, "When Series Go in Indefinitum, Ad Infinitum and in Infinitum Concepts of Infinity in Kant's Antinomy of Pure Reason," *Synthese* 192, no. 8 (2015): 2395, DOI: 10.1007/s11229-015-0813-2.

³² Sandrine Chassagnard-Pinet, "Conflict of Norms and Conflict of Values in Law," in *Logic, Argumentation & Reasoning: Interdisciplinary Perspectives from the Humanities and Social Sciences*, ed. Matthias Armgardt, Patrice Canivez, and Sandrine Chassagnard-Pinet (New York: Springer, 2015), 235, DOI 10.1007/978-3-319-16021-4.

³³ Khairina Febriyanti, Irma Suryani, Zainuddin, "Kontradiksi Peraturan Pemerintah Nomor 34 Tahun 2021 Tentang Penggunaan Tenaga Kerja Asing," *Jurnal Integrasi Ilmu Syari'Ah* 3, no. 3 (2022): 497, DOI: 10.31958/jisrah.v3i3.8395.

opportunities and those favoring foreign investment and calling for convenient access.

Another example is the simultaneous regional head elections in 2021 during the COVID-19 epidemic. There was a contradiction between the legal rules for conducting regional head elections, which unavoidably led to crowds, and the rules for social restrictions prohibiting crowds (physical distancing). The contradicting norms ranged from constitutional provisions (political obligations vs. the right to health) to organic laws and technical regulations such as the Minister of Health vis-a-vis General Election Commission Regulations.³⁴ This necessitated the existence of legal norms between two or more competing interests, but the law could not satisfy all interests.

Legal antinomy can also occur at the level of legal principles, which are more philosophical and fundamental. This form of antinomy is reflected in the contradiction between the principles of legality, *rechtweigeren*, and judicial freedom in the context of legal construction by judges.³⁵ According to the consensus among jurists, the legality concept was a key tenet in applying criminal law and guiding judges in rendering judgments. A positivist interpretation of this principle emphasizes that judges act merely as *bouche de la loi*, mouthpieces of the law, and are not permitted to interpret unambiguous laws or apply analogies, except in common law tradition.³⁶ However, this contradicted the principle that a judge may not dismiss a case due to the absence of governing law. When the legality principle forbade judges from thinking independently when constructing laws, the *rechtweigeren* policy motivated judges to find laws using personal methods, especially when it was relevant to the principle of judge independence.

The jurisdiction of the Indonesian Supreme Court to review statutory regulations under the prevailing legislation also presents an example of legal antinomy. When the Supreme Court was granted the authority to conduct judicial review of laws and regulations, the only objection initially surfaced was that the authority should be given to the Constitutional Court since it was more pertinent to the matter of reviewing legislation (*toetsingrecht*). At the same time, the Supreme Court should concentrate solely on law enforcement.³⁷ Over time, several issues arose, including the duality of reviewing local regulations by the Government (executive review) and the Supreme Court (judicial review). Furthermore, problems arose when the Supreme Court was required to review rules originating from the legal products, i.e., the Supreme Court Regulations.³⁸ In this context, there was a contradiction between

³⁴ Ramadani and Rezah, "Regional Head Election," 215.

³⁵ E. Nurhaini Butarbutar, "Antinomi Dalam Penerapan Asas Legalitas Dalam Proses Penemuan Hukum," *Yustisia Jurnal Hukum* 1, no. 1 (2012): 145, DOI: 10.20961/yustisia.v1i1.10614.

³⁶ Adam Rigoni, "Common-Law Judicial Reasoning and Analogy," *Legal Theory* 20, no. 2 (2014): 133–56, DOI: 10.1017/S1352325214000044.

³⁷ Simon Butt, "Judicial Reasoning and Review in the Indonesian Supreme Court," *Asian Journal of Law and Society* 6, no. August 2018 (2019): 67, DOI: 10.1017/als.2018.26.

³⁸ Safudin Endrik, "Harmonisasi Hukum Dalam Antinomi Hukum (Analisis Terhadap Penerapan Pasal 20 Ayat 2 Huruf B Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman)," *Al-Syakhsiyyah Journal of Law & Family Studies* 2, no. 2 (2020): 202, DOI: 10.21154/syakhsiyyah.v2i2.2592.

the principle of "*ius curia novit*," which demanded the Supreme Court proceed to examine the appeal, and the policy of "*nemo iudex idoneus in propria causa*," which prohibits judges from adjudicating cases in which they have personal involvement.

Legal antinomies may arise from efforts to simultaneously realize more than one legal principle, particularly when the objectives of these principles conflict. This was reflected in Gustav Radbruch's classic theory of legal ideals (*idee des rechts*), conceived on three principles namely expediency (*zweckmassigkeit*), justice (*gerechtigkeit*), and legal certainty (*rechtssicherheit*).³⁹ The theory adhered to the dictum that an ideal law could achieve all three principles simultaneously, although this ideal is often seen as somewhat utopian in practice.

Empirically, examples are more easily found where the objectives of the law conflict in application. One such example can be seen in the case of agrarian conflict resolution between community farmer groups and large private companies in Ogan Komering Ilir Regency regarding land use. In Decision Number 06/Pdt.G/2014/PN. Kag, the judge, rejected the counterclaim from the farmers because the lawsuit was slanderous. This case showed that formal principles in law could override aspects of justice and expediency.

Legal antinomy is further represented in the competition between the two popular schools of law: the streams of judicial activism vs. self-restraint.⁴⁰ In the Indonesian context, the contradiction between these theories became a central topic in the debate over Constitutional Court judges' decisions in examining laws that violated the Constitution. The Constitutional Court, with the authority to annul laws, functioned as a negative legislature, contrasting with the executive and legislative bodies, which are positive legislatures. Over time, the Constitutional Court frequently issued decisions that exceeded the authority of a negative legislator, making decisions and formulating new norms (positive legislators)⁴¹. This led to an unfavorable relationship between the judiciary and the legislature, particularly due to the lack of limits on the powers of the Constitutional Court in examining laws. The type of judicial activism was often lauded for attempting to fulfill substantive rather than procedural justice⁴². However, this practice frequently led to deadlocks in constitutional issues such as filling legal gaps (*rechtsvacuum*) and upholding societal justice.⁴³

³⁹ John Kenedi, "Justification Of Pancasila Law State As An Effort To Realize Indonesian Progressive Law" 15, no. 2 (2022): 172, DOI: 10.2478/bjlp-2022-001011.

⁴⁰ Françoise Tulkens, "Judicial Activism v Judicial Restraint: Practical Experience of This (False) Dilemma at the European Court of Human Rights," *European Convention on Human Rights Law Review* 3, no. 3 (2022): 293, DOI: 10.1163/26663236-bja10048.

⁴¹ Laurence Claus and Richard Kay, "Constitutional Courts as 'Positive Legislators' in the United States," *American Journal of Comparative Law* 58, no. 1 (2010): 479–504, DOI: 10.5131/ajcl.2009.0018; Risdiana Izzaty and Xavier Nugraha, "Perwujudan Pemilu Yang Luberjurdil Melalui Validitas Daftar Pemilih Tetap," *Jurnal Suara Hukum* 1, no. 2 (2019): 155, DOI: 10.26740/jsh.v1n2.p155-171.

⁴² Rahayu Prasetyaningih, "Judicial Activism in Indonesia: Constitutional Culture by the Constitutional Court," *Jurnal Kajian Ilmu Hukum Dan Syariah* 5, no. 2 (2020): 16, DOI: 10.22373/petita.v5i2.106.

⁴³ Indriati Amarini, "Implementation of Judicial Activism in Judge's Decision," *Jurnal Hukum Dan Peradilan* 8, no. 1 (2019): 21, DOI: 10.25216/jhp.8.1.2019.21-38.

The preceding examples of principle antinomy showed the inherent nature of laws that might contain a contradiction. According to Friedmann, the condition was because doctrines in the science of law were compiled based on philosophical reasoning, which was relative when rational⁴⁴. Furthermore, Friedmann states that legal theory possessed a minimum of eight antinomies: (1) individual and universe, (2) volunteering and objective knowledge, (3) reason and intuition, (4) stability and change, (5) positivism and idealism, (6) collectivism and individualism, (7) democracy and autocracy, as well as (8) internationalism and nationalism.⁴⁵

The main difference between principle and normative antinomy is that contradictions within statutory regulations could still be resolved with relevant legal principles and/or theories. For example, conflicts between one law and another could be resolved by harmonization theory. When regulatory conflicts occurred between lower and higher regulations, vertical harmonization was carried out based on the principle of *lex superior derogate legi inferior* (higher law overcomes lower law). In this context, legal principles guide the interpretation or discovery of rules, unify legal principles, and ensure the consistency and coherence of legal rules, among other things.

Antinomy in the context of meta-juridical principles and theories differs as no practical solution exists for addressing these issues. Conflicts at the legal theory and principles level often stem from differing paradigms for understanding the law. This paradigm shift has emerged from historical debates between various legal schools, including legal positivism, which emphasizes the consistency of natural law and exalts justice as the foundation of the law.⁴⁶ A similar shift can be observed in legal institutions during the postmodernist era, such as the critical legal studies movement, which consistently critiqued and examined the law not as a value-free order but as a complex system of interests and hegemony.⁴⁷

2. The 2024 Simultaneous Regional Head Elections: Conflicting Norms and Principles

In Indonesia, several simultaneous regional head elections were held in several batches beginning in December 2015 for all leaders whose terms of office officially ended that year. However, 33 provinces (governors), 30 cities (mayors), and 224 districts (regents) participated in the 2015 simultaneous local elections. In 2017, 7 provinces, 18 cities, and 76 regencies held the elections for regional heads whose terms of office ended during that period. The third round of local elections should have been held in September 2020 before the arrival of the COVID-19 pandemic. Despite being postponed until 2021, the elections were held in December 2020 in 270 regions (9 provinces, 224 districts, and 37 Cities). Although the elections were

⁴⁴ Mochtar, "Antinomi," 319.

⁴⁵ Ramadani and Rezah, "Regional Head Election During," 218.

⁴⁶ Brian Flanagan and Ivar R. Hannikainen, "The Folk Concept of Law: Law Is Intrinsically Moral," *Australasian Journal of Philosophy* 100, no. 1 (2022): 165, DOI: 10.1080/00048402.2020.1833953.

⁴⁷ Juhana Salojärvi, "A Counter-Culture of Law: Jurisprudential Change and the Intellectual Origins of the Critical Legal Studies Movement," *American Journal of Legal History* 59, no. 4 (2019): 409, DOI: 10.1093/ajlh/njz022.

conducted simultaneously, they still varied in timing due to differences in the commencement and end of the regional government periods across Indonesia.

Like the previous model, the 2024 simultaneous regional head elections were scheduled to be held in all regions of Indonesia, including the 34 provinces and 514 districts and cities. The election was set for November 24, 2024, ensuring all regions participated on the same day. In the same year, simultaneous general elections to elect a president and vice president, members of the People's Representative Council (DPR) of Indonesia, the Local Representative Council (DPD) of Indonesia, as well as provincial and district/city local people's representative councils (DPRD) were scheduled for February 14. This would be Indonesia's first and largest synchronized election, as elections and local elections have never been held in the same year.

Legal politics serving as a basic justification for this policy could be broken down into two categories: the desire to create political stability and the need to minimize election costs. The General Election Commission expressed that simultaneous local and general elections aimed to foster political conditions conducive to overall governmental stability—the Commission, which was the authority in charge of administering elections, expressed this opinion. According to Hasyim Asy'ari, the Head of the General Election Commission, elections were primarily intended to form a government at the national and local levels by filling out vacancies in each cabinet. Therefore, synchronizing elections with local elections led to a stable government because it had institutionalized time by having the central and regional governments begin the five-year terms simultaneously.

In this context, the relevance of the argument that simultaneous local elections could create better governance stability conceptually was questionable. This was because government stability was the expected effect of the concurrent design of general elections (executive and legislative elections).⁴⁸ The essence of this election design was to hold legislative and executive elections on the same day for a congruent government to be established, i.e., the election of executive officials (President and Vice President) who support a legislative majority. This governance pattern would significantly affect governmental stability⁴⁹, which was the basis for the claim that simultaneous elections could strengthen the presidential system.⁵⁰ In contrast, the theoretical stability of government was an expected effect of simultaneous presidential and legislative and not the regional head elections.

Even when the rationalization of the 2024 simultaneous local elections to create governmental stability was accepted, it would lead to a contradiction. Theoretically, simultaneous local elections were held to develop stability in government by

⁴⁸ Moh. Ilham A. Hamudy and M. Saidi Rifki, "Strengthening the Multi-Party Presidential Government in Indonesia," *Politik Indonesia: Indonesian Political Science Review* 4, no. 2 (2019): 208, DOI: 10.15294/ipsr.v4i2.18447.

⁴⁹ Rizki Bagus Prasetyo and Febri Sianipar, "The Relevance of the Application of the Presidential Threshold and the Implementation of Simultaneous Elections in Indonesia," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (2021): 267, DOI: 10.30641/dejure.2021.v21.267-284.

⁵⁰ Iding Rosyidin, "Strengthening Democratic Institution and the Need for Political Literacy An Evaluation to the Simultaneous Election in Indonesia" (Atlantis Press, 2018), 204, DOI: 10.2991/icspss-17.2018.43.

allowing officials to begin their terms of office simultaneously. However, the study also recognized that the 2024 simultaneous local election policy has generated vacancies in many regions. According to the Ministry of Home Affairs, more than 200 regional heads would be filled by acting heads of regional government due to vacancies before the 2024 elections. In 2022, the acting head of regional government filled 101 regional head positions, including 76 regents, 18 mayors, and seven governors.⁵¹ No fewer than 171 heads from the 2018 local elections will also leave office in 2023.⁵² Details on 38 mayors, 115 regents, and 18 governors were included in this figure.⁵³ Based on this evidence, the first antinomy in the simultaneous local election policy was the conflict between the objective of simultaneous local elections to create government stability and the instability caused by many vacancies in the head position.

There were consequences despite Article 201 paragraph (9) of Law number 10 of 2016 allowing the appointment of acting regional heads whose terms ended in 2022 and 2023. The appointment of new regional heads at least triggers administrative, political, and sociological consequences. From an administrative standpoint, the presence of an official was intended to allow the continuation of the government administration, but this never suggests that the process would be smooth. Despite having an equal legal basis, The acting regional head's authority had difficulty being the same as the definitive leader. Furthermore, there are various limitations on what acting heads are authorized and prohibited from doing. The Head of the National Civil Service Agency, Letter Number K.26-30 IV, stated the restrictions.^{100-2|99} On the Explanation of the Acting Regional Head's Personnel Authority. The policy explained that the Acting Regional head is prohibited from making decisions with legal consequences (civil effect) on staffing aspects such as appointments, transfers, and dismissals in/from civil apparatus positions unless written approval from the Minister was obtained.

The subject is particularly essential to examine, given that the appointment of the acting head is a consequence of the government's plan to hold simultaneous regional head elections in 2024. The government believes that appointing temporary heads is a practical solution to the vacancies resulting from scheduling simultaneous head of regional government elections. This decision can spawn new problems, such as government instability, stagnation, and dissatisfaction with public services. In contrast, government stability is determined by officials who receive public support

⁵¹ Dania Shofi Maziyah et al., "Implementation Of Good Governance In The Appointment Of Regional Acting Heads," *Santhet: Jurnal Sejarah, Pendidikan Dan Humaniora* 8, no. 2 (2024): 12301, DOI: 10.36526/js.v3i2.4109.

⁵² Emmanuel Ariananto et al., "Reflections and Expectations of Democracy in The Implementation of Regional Autonomy : Long - Term Potential for Appointment of Acting Regional Heads," *PLEDOI (Jurnal Hukum Dan Keadilan)* 2, no. 1 (2023): 50, DOI: 10.56721/pledoid.v2i1.184.

⁵³ Halimah Humayrah Tuanaya, "Kedudukan Hukum Penunjukan Aparatur Sipil Negara Sebagai Pengganti Kepala Daerah Dalam Otonomi Daerah Pasca Putusan Mahkamah Konstitusi NO. 67/PUU-XIX/2021 20 April 2021," *Rechtsvinding* 11, no. 2 (2022): 229, DOI: 10.33331/rechtsvinding.v11i2.928; Mahatma Chryshna, "Kepala Daerah Habis Masa Jabatan 2022, 2023, Dan 2024," *Kompaspedia*, April 14, 2022, <https://kompaspedia.kompas.id/baca/paparan-topik/kepala-daerah-habis-masa-jabatan-2022-2023-dan-2024>.

(legitimacy).⁵⁴ Many research studies suggest that the replacement of local officials can indeed lead to government instability and potentially violate principles of effective governance and professionalism.⁵⁵ Others claim that instability is exacerbated by the absence of public participation in selecting acting heads of regional government, implying extensive centralization policies that weaken local autonomy.⁵⁶ Zhoe & Deng, for example, point out how frequent turnover of officials negatively impacts environmental quality, particularly when officials are transferred from the central government.⁵⁷

The observed limitation also correlated with the provisions of Article 14 paragraph (7) of Law Number 30 of 2014 on Government Administration, stating that Government Agencies and/or Officials who obtained authority through mandates were not authorized to make decisions and/or actions impacting changes in organizational structure, staffing, and budget allocation. Consequently, officials could not prepare the Regional Medium-Term Development Plan documents as stipulated in local regulations. This was because the plan contained an elaboration of the vision and mission of the elected regional head, the validity period of which was five years or concurrent with the term of office of the leader concerned. Furthermore, officials were not authorized to set the vision and mission. In practice, this hindered local expenditure activities and financial management, which had to be referred to in the Regional Medium-Term Development Plan document.

Regarding political implications, the placement of acting regional heads was vulnerable to introducing particular political interests. There was also speculation about the potential for re-centralization with many officials elected and appointed by the central government. This included the assumption of non-neutrality of officials and the discourse on appointing members of the Indonesian National Police and the Armed Forces to fill the vacant positions. For example, in West Bandung Regency, officials formulated the vision, mission, and Long-Term Development Plan, which served as the definitive local plan. The Plan was further haphazardly outlined in a Regent's Regulation, which should be a regional regulation. Like the Pangandaran Regency, the executor of the regent's task intensively managed the bureaucracy and rotated positions beyond the authority.⁵⁸

Administrative and political implications impacted serving the community's needs in the regions (social implications). Obstacles to local spending undoubtedly

⁵⁴ Muhammad Baharuddin Zubakhrium Tjenreng, *Demokrasi Di Indonesia Melalui Pilkada Serentak*, (Jakarta: Papas Sinar Sinanti, 2020), 54, <http://eprints2.ipdn.ac.id/id/eprint/1003/>.

⁵⁵ Abdul Azis Hasan, "Pemerintahan Pada Masa Transisi Pergantian Kepala Daerah Dalam Perspektif Otonomi Daerah," *Jurnal Akta Yudisia* 5, no. 2 (2021): 138, DOI: 10.35334/ay.v5i2.1913.

⁵⁶ Muhammad Syaiful Anwar, Rafiqah Sari, and Ndaru Satrio, "Sistem Penunjukan Penjabat Kepala Daerah Dalam Perspektif Teori Pengisian Jabatan," *Jurnal Hukum In Concreto* 3, no. 1 (2024): 72, DOI: 10.35960/inconcreto.v3i1.1362.

⁵⁷ Ming ZHOU and Li-Ying DENG, "Officials' Turnover, Promotion Incentives and Environmental Quality-Evidence from Provincial Government Leaders in China" 281, no. Sschr 2018 (2019): 438, DOI: 10.2991/sschr-18.2019.80.

⁵⁸ Nandang Alamsah Deliarnoor, "Problematika Pelaksana Tugas (Plt) Dalam Masa Transisi Pemerintahan (Pra Dan Pasca Pilkada Serentak)," *CosmoGov* 1, no. 2 (2017): 322, DOI: 10.24198/cosmogov.v1i2.11841.

impacted meeting people's needs.⁵⁹ Furthermore, officials full of political interests could trigger public discontent and distrust⁶⁰, risking public disobedience and even horizontal conflict. For example, in 2022, the Jakarta Legal Aid Institute (LBH – *Lembaga Bantuan Hukum*) sued the President and the Minister of Home Affairs to the State Administrative Court (PTUN – *Pengadilan Tata Usaha Negara*) due to alleged unlawful acts by the authorities (*Onrechtmatige Overheidsdaad*) when the government carried out a series of appointments and inaugurations of several acting heads of regional government. Previously, Banten residents also sued the appointment of regional heads to the polemic of the Governor of Southeast Sulawesi, who refused to inaugurate acting regents/mayors. The same phenomenon also occurred in Aceh Province, where the Civil Society Coalition sued the actions of the President and the Minister of Home Affairs, who appointed and inaugurated a Major General (Ret.) Achmad Marzuki as Acting Governor.

The potential for horizontal conflict in pre- and post-election periods is also worth considering. So far, several regions have a high election vulnerability index (IKP – *Indeks Kerentanan Pemilu*). The Chairman of the Election Supervisory Board (Bawaslu – *Badan Pengawas Pemilihan Umum*) recognized this, pointing out that the 2024 Simultaneous Regional Head Elections are more vulnerable than the 2024 General Election. Bawaslu has found 1,952 vulnerabilities. However, this is only an estimation; the number could be larger in the field.⁶¹ The Indonesian National Army (TNI) Strategic Intelligence Agency (BAIS) said that vulnerability is expected to increase in 15 areas with high levels of vulnerability, such as Aceh and Papua.⁶² Conflict escalation could have increased massively when it happened simultaneously in various regions.

Based on the foregoing explanation, it is reasonable to say that the 2024 simultaneous regional election policy conceives a legal antinomy. This antinomy results from both conflicts in legal norms and contradictions at the level of legal principles. In summary, the existing inconsistencies are shown in the following table.

⁵⁹ Ferensky Regina Sandjaja, Ferinda Nafisa, and Ita Nurmanti Manurung, "The Impact of Fiscal Decentralization on Welfare in Selected Provinces in Indonesia," *Jurnal Bina Praja* 12, no. 1 (2020): 21, DOI: 10.21787/jbp.12.2020.21-31.

⁶⁰ Abustan, "Implementasi Demokrasi Dan Legitimasi Penjabat Kepala Daerah Di Indonesia Abustan," *Indonesia Law Reform Journal* 2, no. 3 (2022): 274, DOI: 10.31571/edukasi.v19i2.2901.

⁶¹ Badan Pengawas Pemilihan Umum Republik Indonesia, *Indeks Kerawanan Pemilu 2024*, ed. Tim Editor Bawaslu RI, (Jakarta Pusat: Badan Pengawas Pemilihan Umum Republik Indonesia, 2024), 54, <https://www.bawaslu.go.id/sites/default/files/publikasi/BUKU%20IKP%20PEMILU%20DAN%20PEMILIHAN%20SERENTAK%202024-2.pdf>.

⁶² Aryo Wasisto, "Komitmen Mitigasi Kerawanan Pilkada Serentak 2024," *Isu Sepekan*, March, 18, 2024, https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu%20Sepekan---III-PUSLIT-Maret-2024-2063.pdf.

Table 1. Legal Antinomies in 2024 Regional Head Elections⁶³

No.	Field of Antinomy	Explanation
1.	Norms (Government Stability vs. Administrative, Political and Social Instability)	Simultaneous regional head elections based on Article 201 paragraph (8) of the Regional Head Elections Law aimed to create government stability. Still, the appointment of acting head of regional government in various regions based on Article 201 paragraph (9) has the potential to cause administrative, political, and social instability instead. Several things cause this: 1) the appointment mechanism that shows a centralistic pattern and interests; 2) the limited authority of the acting head of regional government (Article 14 paragraph (7) of Law Number 30 of 2014), which has the potential to cause government stagnation; 3) the high election vulnerability index in various regions, which has the potential to escalate if it coincides.
2.	Principles (Budget efficiency/ Expediency vs. term of office reduction/legal certainty)	The simultaneous regional head election policy is aimed at budget efficiency, which aligns with the principle of utility/expediency. However, this is not in line with other consequences that arise, such as a reduction in the term of office of several heads of regional government who are forced to resign before their term of office ends in 2025. In essence, the term of office is the right of an elected head of regional government, which is guaranteed by law. So, a reduction to it, on any basis, violates the principle of legal certainty.

Table 1 showed that in addition to the paradox between the stability purpose and the instability impact of the 2024 simultaneous local elections, there was also an antinomy between efforts to increase efficiency or save the budget and the shortening of regional heads' terms of office. As stated previously, one of the main objectives of designing simultaneous elections was maximizing state budget efficiency. The aim is stated by DPR Commission II member Luqman Hakim, noting that the government supported the simultaneous local election policy to carry out efficiency and refocus part of the election budget on handling the impact of the COVID-19 pandemic, such as enhancing poverty and unemployment. This further implied that the purposefulness aspect was the primary consideration in the legal politics of the 2024 simultaneous local elections. However, the objective was

⁶³ Analyzed from the primary sources (Law Number 30 of 2014 on Government Administration, Law Number 10 of 2016 on Head of Regional Government Election, Law Number 23 of 2014 on regional government) and secondary sources.

contradictory to the reduction in the term of office of regional heads who had not finished the period but were required to finish and take part in the upcoming elections. The law further guaranteed regional heads five years of service. In other words, there had been an antinomy between the principles of expediency (efficiency efforts) and legal certainty (five years of service).

Indonesian laws and regulations guarantee a fixed term of office for regional heads. This was explicitly stated in Article 162, paragraphs (1) and (2) of Law Number 10 of 2016 and Article 60 of Law Number 23 of 2014 on regional government. The Article stated that the term of office for regional heads was 5 years from the inauguration date. However, regional heads who started the terms of office in 2020 and 2021 would experience a 1-2 year cut with the agreement on the simultaneous local elections in November 2024, as stated in Law 10/2016. This gave rise to "ended" and "finished" terms of office. For regional heads appointed in 2020 and 2021, the terms of office would not end automatically for up to five years but would be considered completed in 2024 for the next election. This condition contradicted the provisions of the regional head elections and the regional government laws, which guaranteed the political rights of every elected leader to serve and exercise authority for a full five years.

The issue was once submitted to the Constitutional Court by the pair of regional heads elected in the 2020 elections, who were registered in Case Number 18/PUU-XX/2022.⁶⁴ The Court, in the decision, rejected the applicant's application entirely. In the legal considerations, the court stated that cutting the term of office of regional heads is not against the concept of human rights. As a political right, the tenure of a regional head is categorized as a derogable right. It is limited based on the reasons in Article 28J paragraph (2) of the 1945 Constitution. The reasons included (a) being carried out by law, (b) guaranteeing recognition and respect for the rights and freedoms of others, and (c) meeting demands following considerations of morality, religious values, security, and public order in a democratic society. However, this decision still contained ambiguity. When the term of office of a regional head guaranteed by law was a political right that could be limited or reduced, then on what grounds could the government make the reduction? The court only based the reasoning on the general provision in Article 28J of the 1945 Constitution without explaining the causality logic and relevance of the legal limitation (letters a, b, and c of Article 28J) on the issue of reducing the regional heads' fixed term of office.

The case reminded the public of the classic antinomy between the purpose of law for expediency vs legal certainty. As previously stated by Immanuel Kant and quoted by van Apeldoorn, justice would be increasingly difficult to achieve (*summum ius summa iniuria*) when the law was implemented as stated. On the other hand, the law would eliminate more uncertainty when implemented under certain circumstances. When the government became consistent with the provisions of Article 162 of Law 10/2016 and Article 60 of Law 23/2014 regarding terms of office for regional heads, simultaneous local elections were not carried out nationally.

⁶⁴ Ariananto et al., "Reflections and Expectations," 65.

Therefore, the objective of budget efficiency would not be optimal like the local elections in the previous period. However, when the consistent government was to hold local elections simultaneously nationally in 2024, it would be impossible not to violate the provisions of the law and the political rights of democratically elected regional heads.

Various issues discussed, such as the polemic in the appointment of acting head and the premature resignation of the elected officials, are not found in the cases of other countries where the implementation of elections had been running well established, such as Japan, South Korea, and Spain, where the time gap between the two electoral regimes was only 28 days apart.⁶⁵ These problems seem only to occur in countries still in a transitional period from a sequential to a national simultaneous election model. A similar case can be found in the Philippines, which has been working on synchronizing its national and local elections since the 1990s to improve efficiency and reduce election-related expenses. The local elections, typically held separately, are now concurrently with national elections. During the shift to synchronized elections, many local officials had their terms either shortened or extended to align with the new schedule. Some opted not to extend their terms, leading to vacancies. The government addressed these vacancies by appointing caretaker officials until elections could be held or until the next election cycle. Additionally, special elections were held to fill some key local roles.

Nevertheless, the findings of this study highlight important and relevant aspects that should be carefully considered by other scholars before adopting simultaneous regional head elections, especially in countries with numerous territorial entities. Although simultaneous elections are often praised for their various advantages, the implementation in Indonesia has revealed several significant issues since their initial adoption in 2015. These include the heightened risk of simultaneous conflicts, which complicate control measures and result in an excessive workload for officials and the election committee. The contradiction within Indonesia's local election policy represents a recent and noteworthy development, offering valuable lessons for other countries considering transitioning from a sequential local election system to a national simultaneous election model.

C. Conclusion

A legal norm, whether a regulation or a policy, often contains contradictions or paradoxes that affect its interpretation and potential legal implications. These contradictions are referred to as the legal antinomies. The first type of antinomy arises when a legal norm, when applied to a real-life situation, conflicts with other legal norms. Antinomies may also occur at the level of legal principles, resulting from attempts to use multiple legal principles simultaneously.

⁶⁵ Laura Cabeza and Matthias Scantamburlo, "Dual Voting and Second-Order Effects in the Quasi-Simultaneous 2019 Spanish Regional and National Elections," *Revista Espanola de Ciencia Politica* 55 (2021): 13, DOI: 10.21308/recp.55.01.

Such legal antinomy emerged in relation to the 2024 national simultaneous regional head elections. The Regional head election law was designed to improve the previous system of simultaneous elections. It was intended to promote governmental stability and budget efficiency. However, the aim of achieving political stability carried the risk of creating greater instability due to the vacancies that had to be filled by acting regional heads appointed by the central government. Likewise, the pursuit of budget efficiency through the 2024 simultaneous regional head elections conflicted with the principle of legal certainty, as the legally guaranteed term of office for regional heads was shortened.

From the legal antinomy perspective, these contradictions are evident both at the normative level and in applying legal principles. All stakeholders and policymakers must understand and address these antinomies. Therefore, several conditions are proposed to ensure that national simultaneous regional head elections in transitional countries are more constitutional and democratic. First, the elections should include only those regional heads who have completed their term of office by the election date. This would help avoid violations of constitutional rights related to term limits and allow regional heads to perform their duties entirely and without interruption. Second, regional heads whose terms end before the election should be temporarily replaced by the local secretary. This would help prevent conflicts of interest between central and local authorities and support legitimacy and public trust.

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